

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21257 of 2006

Dated: 23-10-2006

Between:

Vonumu Pydamma and others.

..... PETITIONERS

AND

The State of Andhra Pradesh, rep. by its Secretary,
Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.21257 of 2006

ORDER:

The petitioners filed instant writ petition seeking a writ of Mandamus to declare the notification issued by the Government vide G.O.Ms.No.1002 dated 01-10-2003 under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as amended by the Registration (Andhra Pradesh Amendment) Act, 1999, as unconstitutional and ultra vires. The petitioners also seek a consequential direction to the respondents to register and release the documents presented by them in respect of land Ac.1.09 cents in new survey No.38 (old survey No.81) situated at Nerellavalasa Village, Nidigattu Panchayat, Bheemunipatnam Mandal, Visakhapatnam District.

In **State of Rajasthan v. Basant Nahata**^[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its Judgment, dated 07-12-2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11-08-2006. Therefore, the impugned notification cannot be sustained.

Following the judgment of the Division Bench, this writ petition is disposed of and the impugned notification in G.O.Ms.No.1002 dated 01-10-2003 is set aside. As and when the sale deeds are presented by the petitioners, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record reasons. No costs.

V.V.S.RAO, J

23rd October, 2006
ghn

^[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456